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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/807,057	04/06/2001	Roger John Leach	COLGRAP23AUS	4301

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DAVIS & BUJOLD, P.L.L.C.
FOURTH FLOOR
500 N. COMMERCIAL STREET
MANCHESTER, NH 03101-1151

EXAMINER	
GOFF II, JOHN L	
ART UNIT	**PAPER NUMBER**
1733	15

DATE MAILED: 10/22/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/807,057	LEACH, ROGER JOHN	
	Examiner	Art Unit	
	John L. Goff	1733	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on *28 July 2003* .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *10,13-15 and 19-25* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *10,13-15 and 19-25* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *08 October 1999* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

1. This action is in response to Amendment C received on 7/28/03. In view of applicants arguments the previous rejections are withdrawn. A new rejection over Leach et al. in view of Akzo is set forth below.

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Continued Examination Under 37 CFR 1.114

3. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 7/28/03 has been entered.

Claim Rejections - 35 USC § 103

4. Claims 10, 13-15, 19, and 21-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leach et al. (U.S. Patent 5,300,174) in view of Akzo (EP 525867).

Leach et al. disclose a thermosetting powder coating useful in architectural applications. Leach et al. teach the powder coating can not only be used for protective and/or decorative effects, the powder coating can be used as an adhesive (Column 1, lines 49-52). Leach et al. teach a method for using the coating as an adhesive comprising applying the thermosetting

powder to a first substrate, partially curing the powder layer after its application, applying a second substrate onto the partially cured powder layer (the second substrate may include a layer of partially cured thermosetting powder), and then fully curing the powder layer to adhere the first and second substrates (Figures 2, 4, and 5 and Column 1, lines 49-52 and Column 7, lines 61-68 and Column 8, lines 1-33). Leach et al. teach the thermosetting powders may comprise materials such as epoxy or polyester, an adhesion promoter such as a solution of silane, alcohol, and water, and pigments (Column 3, lines 7-9 and Column 9, lines 32-38 and 49-54). Leach et al. are silent as to applying a second powder coating successive to the first. It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply a second powder coating successive to the first powder coating taught by Leach et al. to give the first powder layer a transparent, protective coat as it was well known in the art to include a second transparent powder layer in coatings for architectural applications to protect the first powder coating as shown for example by Akzo. It is noted that while there is no explicit teaching in Leach et al. as modified by Akzo that the first powder cures before the second it would have been obvious to one of ordinary skill in the art at the time the invention was made to use a first powder having a higher cure rate than the second such that after applying the final curing energy both layers of powder are fully cured rather than the first powder layer (which is below the second powder layer) not fully curing resulting in inadequate adhesion between the powder layers.

Akzo discloses a two-layer powder coating useful in architectural applications for protective and/or decorative effects. Akzo teaches a method for applying the coating comprising applying a first thermosettable powder resin layer to a substrate, applying a second/different

thermosettable powder resin layer onto the first layer, and curing both layers after their application while they are in powder form. Akzo teaches as exemplary embodiments the first powder comprising an epoxy and the second powder comprising polyester, i.e. materials having different rates of cure wherein the epoxy would cure before the polyester. Akzo further teaches both the first and second powders may be polyester based, both powders may include pigmentation, and the second powder layer may be transparent (Column 1, lines 41-55 and Column 3, lines 31-37 and Column 4, lines 10-12 and 25-33 and Column 5, lines 3-5 and the example).

5. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Leach et al. and Akzo as applied above in paragraph 4, and further in view of Wallace (U.S. Patent 3,991,005).

Leach et al. and Akzo as applied above teach all of the limitations in claim 20 except for a specific teaching of the second thermosetting powder comprising polyethylene. It is noted Leach et al. as modified by Akzo are not limited to any particular thermosetting resin such that one of ordinary skill in the art at the time the invention was made would have readily appreciated using as the second thermosetting powder taught by Leach et al. as modified by Akzo polyethylene as it was a well known and conventional thermosetting resin as shown for example by Wallace.

Wallace is directed to a structural adhesive comprising a thermosetting resin such as epoxy, polyesters, and polyethylene (Column 6, lines 8-20).

Response to Arguments

6. Applicant's arguments with respect to claims 10, 13-15, and 19-25 have been considered but are moot in view of the new ground(s) of rejection. Applicant argues there is no suggestion in Akzo that the different powders have different cure rates. It is noted Akzo teaches as exemplary embodiments the first powder comprising an epoxy and the second powder comprising polyester, i.e. materials having different rates of cure. Furthermore, the use of these materials in Akzo would result in a curing process similar to applicants as the materials for the powders suggested by applicant are substantially the same as that taught by Akzo such that the powders of both would cure in the same manner, i.e. the first powder would cure before the second. Additionally, it is noted Akzo is cited only to show the well known technique of using two layer powder coatings in architectural applications, and one of ordinary skill in the art would readily appreciated the powder of the first layer curing before the second for the reasons given above.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **John L. Goff** whose telephone number is **703-305-7481** (after December 2003 the telephone number will be 571-272-1216). The examiner can normally be reached on M-Th (8 - 5) and alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on 703-308-3853. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

John L. Goff

JEFF H. AFTERGUT
PRIMARY EXAMINER
GROUP 1300